

IN THE UNITED STATES COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

WESLEY T. MOORE,)	
)	
Plaintiff,)	
)	
vs)	CASE NO. 5:11-cv-00086-M
)	
)	
CITY OF OKLAHOMA CITY)	
AND DANIEL GODSIL,)	
)	
Defendants.)	

**MOTION FOR ORDER ALLOWING PLAINTIFF
TO FILE RESPONSE TO DEFENDANT GODSIL'S MOTION
FOR SUMMARY JUDGMENT ONE DAY OUT OF TIME**

Plaintiff hereby moves this Court to allow him an additional one (1) day to file his Response to Defendant Godsil's Motion for Summary Judgment, filed on December 1, 2011, appearing at Docket Entry No. 25. Pursuant to Local Rule 7.1(H), Plaintiff submits the following in support of this motion:

1. The deadline for responding to the Defendant's Motion was January 4, 2012.
2. The specific reasons for the necessity for an Order allowing the filing of his response one (1) day out of time, are that: a. The record was extensive in this case. 2. Plaintiff also had to file his Response to Defendant City of Oklahoma City's Motion for Summary Judgment by the same date. 3. The sheer volume of responding to two motions for summary judgment was overwhelming. 4. Plaintiff's Counsel is a sole practitioner and had cataract surgery on December 28, 2011. 5. Plaintiff's Counsel worked frantically to file his response before midnight and would have made it except, he lost about five (6) hours of work when he hit a wrong key while preparing the Table of Authorities, consisting of all citations to the record and some briefing..

4. Plaintiff did not ask for an enlargement of time because it was after hours when he lost his work. It was too late to confer with Defendant Godsil's Counsel to be able to file the a Motion for Extension by the due date January 4, 2012.

5. Counsel for Plaintiff could not confer with Counsel for Defendant Godsil concerning this motion because it is in the middle of the night, so he does not know whether Counsel for Defendant Godsil has an objection to the Court's granting of this motion or not.

6. The requested enlargement of time will not impact any scheduled trial or other deadlines.

7. The Plaintiff completed his response shortly after midnight and it was filed electronically through the Court's ECF system at 3:31 A.M., January 5, 2012. So all Plaintiff need's is the Court's Order allowing that late filing.

Respectfully submitted this 5th day of January, 2012.

S/ Rex D. Brooks

REX D. BROOKS OBA # 1165

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CERTIFICATE OF SERVICE

I certify that on January 5, 2012, I electronically transmitted the above attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF Registrants:

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